

**Department of Toxic Substances Control**  
Position Duty Statement



<b>Classification Title</b>	<b>Department</b>
Assistant Chief Counsel	Department of Toxic Substances Control (Department)
<b>Working Title</b>	<b>Office/Unit/Section/Geographic Location</b>
N/A	Office of Legal Counsel – Any DTSC Office
<b>Position Number</b>	<b>Effective Date</b>
810-410-5871-004	(Date position filled)

**General Statement:** Under the general direction of the Chief Counsel or Deputy Chief Counsel, the Assistant Chief Counsel is responsible for planning, organizing, directing, coordinating, and reviewing the work of legal staff within the Office of Legal Counsel (OLC); performing administrative duties; and serving as a member of OLC's senior management team. Duties include, but are not limited to:

**A. Specific Activities: Essential (E) / Marginal (M) Functions**

**35% (E) Program Support**

Working with and supporting Department Program staff, oversees legal consistency and formulates legal policy pertaining to the implementation of applicable laws and regulations, including the Hazardous Waste Control Law (Health & Saf. Code, division 20, chapter 6.5), Hazardous Substance Account Act (Health & Saf. Code, division 20, chapter 6.8), Resource Conservation and Recovery Act (42 U.S.C. § 6901, et seq.), Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. § 9601, et seq.), and California Environmental Quality Act (CEQA) (Pub. Resources Code, §§ 21000 - 21178, Tit. 14 Cal. Code Regs., § 753, §§ 15000 – 15387). Provides legal recommendations and other legal support concerning proposed legislation and regulations, and complex litigation, including, but not limited to, enforcement actions and suits to recover the Department's cleanup oversight and response costs. Coordinates and reviews Department responses to Public Records Act (PRA) requests and other public and legislative inquiries to ensure due consideration of all relevant issues and conformance with legal requirements. Represents the Department in negotiating, finalizing, and enforcing cleanup or corrective action agreements with responsible parties. Regularly meets with the Department's Executive Management and other key staff, as well as personnel from the California Environmental Protection Agency and the Governor's Office, OLC to coordinate legal support. Program support emphasis will include regulatory and cleanup oversight related to the Site Mitigation and Restoration Program's Santa Susana Field Laboratory Project.

**25% (E) Personnel Management and Human Resources**

Plans, organizes, directs, and provides managerial review of the work performed by staff in OLC. Provides regular and timely written performance appraisals to staff. Counsels staff and initiates disciplinary actions as necessary. Recruits, hires, trains, develops, and provides leadership to staff. Complies with state and federal laws, rules, regulations, bargaining unit contracts, and policies in all personnel practices, including hiring, employee development, and management. Identifies appropriate long-range plans and goals to address succession planning and knowledge transfer. Provides legal advice and assistance to the Department's management concerning human resources, including regarding the interpretation of statutes, regulations, and policies related to personnel administration, discipline, equal employment, Workers' Compensation, Reasonable Accommodation, whistleblower complaints, conflicts of interest, interpretation of union contracts, and the Family Medical Leave Act.

**10% (E) Pre-Litigation and Litigation Support; Enforcement**

Provides legal direction, support, and advice related to and in preparation for complex litigation in federal and state courts. Evaluates claims and works to avoid litigation by securing pre-litigation settlement agreements or similar, where appropriate. Represents the Department in negotiations, litigation, legislative hearings, and meetings with State or outside agencies and organizations;

prepares or reviews legal documents as required, including legislation, regulations, policy documents, bill analyses, contracts, and correspondence for these hearings. Prepares and reviews case referrals to the Office of the Attorney General and other prosecuting agencies. Coordinates enforcement and case management issues with the Office of the Attorney General and other prosecuting agencies. Works with, directs, and supports the Office of the Attorney General in litigation and in anticipation of litigation, including preparing for pre-trial and trial matters; reviewing and commenting on complaints, motions, and other pleadings; responding to discovery requests; conducting negotiation and settlement; and preparing witnesses and expert witnesses for trial. Prepares complex enforcement cases for administrative proceedings and for filing in federal and state courts. Advises decisionmakers regarding complex and sensitive issues related to litigation and enforcement cases, including liability issues and governmental immunity issues. Advises program staff on litigation-related issues. Supports the Office of the Attorney General in defending the Department in lawsuits contenting that the Department failed to comply with the California Environmental Quality Act (CEQA) or other requirements.

**10% (E) Assistant to Chief Counsel**

As a member of senior management for OLC, advises the Chief Counsel and Deputy Chief Counsel on office organizational issues, legal and state-wide policy issues. Assists and supports the Chief Counsel, Deputy Chief Counsel and Department Director in Departmental legal policy formation and implementation, in cooperation with other entities within California State government. Works on special projects relating to statewide or Department-wide policy issues.

**5% (E) Contracts and Procurement Legal Advisor**

Oversees legal consistency and formulates legal policy pertaining to the implementation of applicable laws and regulations, related to procurement, contracting, and grant administration and acquisition

**5% (E) Procedural Development and Training**

Develops model documents, legal forms, and legal policies and procedures affecting the Department's functions, roles and responsibilities. Conducts legal training on state and federal laws and regulations for Departmental staff.

**5% (E) Administrative Duties**

Performs administrative duties including, but not limited to: adheres to Department policies, rules and procedures; submits administrative requests including leave, overtime, travel, and training in a timely and appropriate manner; accurately reports time in the Daily Log system; and submits timesheets by the due date.

**5% (M) Other Duties**

Performs other duties as required to support the functions of OLC.

**B. Supervision Received**

The Assistant Chief Counsel reports directly to and receives the majority of assignments from the Chief Counsel or Deputy Chief Counsel.

**C. Supervision Exercised**

The Assistant Chief Counsel supervises Attorney IVs, Attorney IIIs, Attorneys and legal support staff.

**D. Administrative Responsibility**

The Assistant Chief Counsel performs the full range of supervisory and management duties including, but not limited to: interprets and adheres to policies, rules, laws, regulations, and bargaining unit contracts; provides direction and guidance regarding work assignments and daily work activities to ensure timely completion of assignments; reviews work and evaluates performance of staff by providing regular feedback and completing timely probationary reports, annual performance appraisals, and individual development plans; monitors employee performance and, if necessary, utilizes progressive disciplinary principles and procedures; completes personnel documentation and utilizes the competitive hiring process; and approves or denies administrative requests including leave, overtime, travel, and training. The Assistant Chief Counsel is responsible for administrative tasks and issues affecting or

arising out of OLC, such as tasks and issues related to contracts, budgets, and personnel in OLC.

**E. Personal Contacts**

The Assistant Chief Counsel interacts with and provides direction to the Director, Chief Counsel, Deputy Chief Counsel, members of the Department's Executive Staff, and program managers and staff on a variety of legal matters. The Assistant Chief Counsel also interacts with the Secretary for CalEPA and his/her senior staff, staff of the Governor's office, and staff of other agencies such as the Department of Finance. The Assistant Chief Counsel works closely with the Office of the Attorney General, and also interacts with the public as necessary at meetings and presentations.

**F. Actions and Consequences**

Inadequate performance by the Assistant Chief Counsel may delay work performed by others in the Department or compromise legal positions of the Department.

**G. Functional Requirements**

The Assistant Chief Counsel works 40 hours a week, sitting most of the time under fluorescent lighting with sufficient temperature control, in close proximity with other employees. The Assistant Chief Counsel will utilize typical office equipment, such as telecommunications equipment, computers, photocopiers/scanners, and fax machines. The Assistant Chief Counsel is expected to be prepared and professional in appearance and must be flexible in terms of work hours and work overtime occasionally. Travel to participate in meetings and hearings is required.

**H. Other Information**

The Assistant Chief Counsel must have the ability to have the ability to handle sensitive and confidential materials/matters; work effectively under pressure; establish cooperative working relationships, and communicate effectively and with empathy with all levels within DTSC and outside stakeholders while managing multiple and conflicting projects, priorities, and time deadlines, to deliver programs and services. The Assistant Chief Counsel must also understand the different functions within DTSC and other State and local agencies and how they relate to each other, and be aware of and consider stakeholder interest in DTSC programs. The Assistant Chief Counsel must use discernment and logical reasoning in decision-making, analyze information to reach accurate and defensible conclusions and resolve complex problems, and be able to clearly communicate those conclusions; find creative and workable legal solutions to difficult problems or legal barriers; and understand and apply DTSC's Equal Employment Opportunity policies and procedures.

Additional expectations include the ability to: demonstrate a commitment to perform duties consistent with DTSC's mission, vision, and core values, including diversity, equity, and inclusion; demonstrate a commitment to the equal employment opportunity program and maintain a work environment free from discrimination and sexual harassment; adhere to all DTSC and state policies and procedures; demonstrate a commitment to represent DTSC in an ethical manner and with respect, professionalism, empathy, and integrity; take calculated risks and embrace new challenges with passion and energy; plan strategically, set realistic goals, and measure performance outcomes; develop strong partnerships and collaborate across all DTSC programs as well as the Board, Departments, and Offices under CalEPA to identify best practice solutions; communicate effectively, orally and in writing, with representatives from all levels of government, the public, Legislative, and Executive Branch; and demonstrate essential personal qualifications, including integrity, initiative, dependability, good judgment, accountability for self and entire team, and the ability to work cooperatively with others.

The Assistant Chief Counsel must be licensed to practice law in California.

**I. DTSC's Equity Statement**

The Department of Toxic Substances Control (DTSC) values diversity, equity, and inclusion throughout the organization. We foster an environment where employees from a variety of backgrounds, cultures, and personal experiences are welcomed and can thrive. We believe the diversity of our employees is essential to inspiring innovative solutions. Together we further our mission to protect California's people and environment from harmful effects of toxic substances by restoring contaminated resources, enforcing hazardous waste laws, reducing hazardous waste generation, and encouraging the manufacture of

chemically safer products.

**I have read and understand the duties listed above, and I can perform these duties with or without reasonable accommodation.** (If you believe reasonable accommodation is necessary, discuss your concerns with the supervisor).

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

I have discussed the duties of this position with and have provided a copy of this duty statement to the employee named above.

\_\_\_\_\_  
Supervisor Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

**Approval Date: June 2022**